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OFFICE OF PETITIONS

INACTIVE CLIENT MATTERS
C/O THE LAW OFFICE OF ROBERT A. MC LAUCHLAN
6605 MESA DRIVE
AUSTIN, TX 78731

In re Patent No. 6,711,954
Issue Date: March 30, 2004
Application No. 09/766,180
Filed: January 19, 2001
Attorney Docket No.: LOCK1420

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

This is a decision in response to the petition, filed August 16, 2002¹, which is being treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

See 37 CFR 1.137(f). The delay in responding is regretted; however, the petition was recently referred to the Office of Petitions for consideration.

The petition is **DISMISSED**.

Petitioner indicates that the instant nonprovisional application became the subject of an application filed in a foreign country (PCT Application No. PCT/US01/51036 filed 12/19/01). However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. Therefore, pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c), this application became abandoned because of a failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen month publication country must be accompanied by:

(1) the required reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

¹ A copy of the petition was filed on November 14, 2002.

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The petition cannot be granted because petition fee pursuant to 37 CFR 1.17(m) has not been paid.

Any request for reconsideration of this decision must be submitted with TWO (2) months from the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action with the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web
 www.uspto.gov/ebc/efs_help.html

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions